

Item W07-01 Response Form

Title: California Rules of Court: Definition of “Recycled” (amend Cal. Rules of Court, rule 1.6(22))

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, January 26, 2007
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.

Invitations to Comment W07-01

Title	California Rules of Court: Definition of “Recycled” (amend Cal. Rules of Court, rule 1.6(22))¹
Summary	The definition of “recycled” in rule 1.6(22) of the California Rules of Court would be amended to replace the reference to the definition of “recycled paper product” in repealed section 42202 of the Public Resources Code with a reference to “recycled printing and writing paper” in current section 12209 of the Public Contract Code.
Source	Appellate Advisory Committee Justice Kathryn Doi Todd, Chair Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
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Discussion	<p>Three rules of court require the use of recycled paper by litigants and courts. Rule 1.22(a) (formerly in rule 201(b)) of the California Rules of Court provides that “[r]ecycled paper . . . must be used” for original and service copies of all papers, documents, and exhibits filed in California courts or served on other parties. Appellate rule 8.204(b)(1) (formerly in rule 14) requires briefs to be on “recycled” paper. And rule 10.503 (formerly rule 989.1) provides that “[a]ll courts must use recycled paper for all purposes except those for which recycled paper is not practically available.”</p> <p>Rule 1.6(22) (formerly rule 201(a)(2)) defines “recycled paper” by reference to section 42202 of the Public Resources Code, which was repealed in 2005. Standards for “recycled” paper goods now are set forth in Public Contract Code section 12200 et seq.</p> <p>Rule 1.6(22) would be amended, effective July 1, 2007, to define “recycled” paper by cross-reference to “recycled printing and writing paper” as defined by section 12209 of the Public Contract Code. If so amended, the rule will require the use of paper with at least 30 percent, by fiber weight, postconsumer fiber; because this has been the standard</p>

¹ All references to rules are to the renumbered rules in effect on January 1, 2007.

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for recycled printing and writing paper since January 1, 1999 (see footnote 2, *infra*), as a practical matter no substantive change is intended by this rule amendment.

Former Public Resources Code section 42202 and the current Public Contract Code distinguish between recycled “paper products” (e.g., janitorial supplies, cartons, boxes, folders, and sanitary tissue) and recycled paper used for printing and writing. (See Pub. Contract Code, §§ 12207(a), (b) and 12209(a), (b).) By reference to the definition of “recycled paper product” in Public Resources Code section 42202, the rules of court incorporated the “recycled” standard for paper products *other than* printing and writing paper.² The proposed amendment to the definition of “recycled” in rule 1.6(22) will incorporate the “recycled” standard specifically applicable to “printing and writing paper” rather than the standard for other “recycled paper products.”

Attachment

² Under Public Resources Code section 42202 as it was originally enacted (and as was in effect on November 30, 1993, when the Judicial Council amended rule 201 to require use of recycled paper, effective January 1, 1995), “recycled paper product” meant “a paper product with not less than 50 percent by fiber weight consisting of secondary material or postconsumer material and with not less than 10 percent of the fiber weight consisting of postconsumer material,” and there was no distinct content standard for recycled printing and writing paper. (Stats. 1989, c. 1096, § 2.) When section 42202 was amended in 1994, printing and writing grades of “recycled paper” were defined “[f]or text and cover grades and cotton fiber papers, [as] not less than 50 percent by fiber weight consisting of secondary and postconsumer material with not less than 20 percent of fiber weight consisting of postconsumer material,” and “[f]or other uncoated printing and writing grades, [as] not less than 20 percent by fiber weight consisting of postconsumer material.” (Stats. 1994, c. 942 (S.B. 1915), § 16, eff. Sept. 28, 1994.) Section 42202 was also amended at that time to provide that, effective January 1, 1999, the postconsumer material content for “recycled” printing and writing papers “shall be increased to 30 percent of fiber weight.” (Id.) Although the postconsumer material content standard for recycled paper products was once less stringent than the standard for recycled printing and writing paper (i.e., 10 versus 20 percent), under Public Contract Code section 12209, “recycled paper products” and “recycled printing and [w]riting paper” must both now “consist of at least 30 percent, by fiber weight, postconsumer fiber.” (Pub. Contract Code, § 12209(a) & (b).)

1 Rule 1.6 of the California Rules of Court would be amended, effective July 1, 2007, to
2 read:³

3
4 **Rule 1.6. Definitions and use of terms**

5
6 As used in the California Rules of Court, unless the context or subject matter otherwise
7 requires:

8
9 (1)–(21) ***

10
11 (22) “Recycled” as applied to paper means ~~“recycled paper product”~~ “recycled
12 printing and writing paper” as defined by section ~~42202~~ 12209 of the Public
13 ~~Resources~~ Contract Code.

14
15 (23) ***

³ These recommended amendments have been made to the version of this rule adopted by the Judicial Council at its June 30, 2006, business meeting and reflect the text that will be in effect on January 1, 2007. Any amendments adopted as part of this proposal will be incorporated into the text of the rule that goes into effect on January 1, 2007.